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July 20, 2010

**VIA ECF**

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
Room 1416 S  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Dias v. Community Action Project, Inc. et al.,  
07 Civ. 5163 (NGG)(RER)**

Dear Judge Garaufis:

We represent Community Action Project, Inc. (“CAP”) in the above-referenced action. On March 4, 2009, Your Honor converted defendants’ motions to dismiss the complaint in this action to motions for summary judgment, and the parties supplemented the record in support and opposition to the pending motion for summary judgment on September 18, 2009. The purpose of this letter is to correct an error in the September 18, 2009 filing.

A document entitled Plaintiff’s Local Rule 56.1(b) Counter-Statement in Opposition to Defendant’s Motion for Summary Judgment was filed on September 18, 2009 as an attachment to two different docket entries: entry no. 42, which pertains to the motion for summary judgment by CAP; and entry no. 44, which pertains to the motion for summary judgment by defendant Pacific Institute for Community Organizations (“PICO”). However, this document addresses only PICO’s motion, and plaintiff’s 56.1(b) counter-statement in opposition to CAP’s motion was erroneously omitted from the submission.

Accordingly, plaintiff’s 56.1 counter-statement in opposition to CAP’s 56.1 statement is provided with this letter. The attached document should have been included

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with docket entry no. 42 as attachment no. 2. The parties regret any inconvenience this may have caused.

Respectfully yours,



Jennifer E. Spain

Cc: Hon. Ramon E. Reyes, United States Magistrate Judge (via ECF)  
Michael J. Borrelli, Esq. (counsel for Plaintiff) (by electronic mail)  
Matthew J. Blit, Esq. (counsel for Plaintiff) (by electronic mail)  
Loren L. Forrest, Jr., Esq. (counsel for Defendant PICO) (by electronic mail)